UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION DOCKET NO. 3:11-cr-00124-MOC-DSC

UNITED STATES OF AMERICA,)	
)	
)	
)	
Vs.)	ORDER
)	
TIMOTHY LERICO MASSEY,)	
)	
Defendant(s).)	

THIS MATTER is before the court on the motion of a family member to reduce the amount of money taken out defendant's account to pay toward his financial obligations while incarcerated under the BOP's Inmate Financial Responsibility Program and to have that money instead paid to them. Any concerns that a defendant is not meeting his financial obligations to dependents while incarcerated should be addressed to defendant's case manager at the Bureau of Prisons.

The Bureau of Prisons has the authority to place a defendant in the IFRP based on the wording contained in a criminal judgment. See United States v. Watkins, 161 F. App'x 337, 337 (4th Cir. 2006); Bramson v. Winn, 136 F. App'x 380, 381 (1st Cir. 2005). Before seeking relief from any court regarding obligations under the IFRP, a defendant must exhaust all administrative remedies through the Bureau of Prisons. McGhee v. Clark, 166 F.3d 884, 887 (7th Cir. 1999). Once all administrative remedies have been exhausted, a defendant may challenge such payments only by filing the appropriate pleading in the district court located in the district of confinement, not with the sentencing court. See Moore v. Olson, 368 F.3d 757, 759 (7th Cir. 2004); Matheny v. Morrison, 307 F.3d 709, 711-12 (8th Cir. 2002).

Finally, family members lack standing to seek relief in this forum. Here, they seek to file a motion "on the behalf" of the defendant; lay people, even family members, are not allowed to file motions in this court on behalf of others since doing so amounts to the unauthorized practice of law.

ORDER

IT IS, THEREFORE, ORDERED that to the extent that a family member has requested that this court alter or amend contributions through the Inmate Financial Responsibility Program in pleading (#23), such request is denied as non-justiciable.

Signed: April 7, 2016

United States District Judge